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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,942	06/02/2000	Daniel Flammang	39558/DBP/E43	6577

26694 7590 08/22/2002

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EXAMINER
OROPEZA, FRANCES P

ART UNIT	PAPER NUMBER
3762	

DATE MAILED: 08/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

3M.

Advisory Action	Application No. 09/586,942	Applicant(s) FLAMMANG, DANIEL	
	Examin r Frances P. Oropeza	Art Unit 3762	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 August 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

OK FPO 2.☒ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

OK FPO (c)☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

FPO 3.☒ Applicant's reply has overcome the following rejection(s): 35 USC 112 FPO

4.☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

OK FPO 7.☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☒ FPO will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: *13-25*.

Claim(s) withdrawn from consideration: _____.

8.☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____

10.☐ Other: _____

JEFFREY R. JASTRZAB
PRIMARY EXAMINER
3/26
8/21/02

8-19-02

6 CORRECTIONS ABOVE MADE 8/27/02.
COPY FAXED TO C. VOORHEES. FOropeza

Frances P. Oropeza

Continuation of 5.

The request for reconsideration does NOT place the application in condition for allowance because the Applicant's arguments have been fully considered but are not convincing.

In the reply of 8/12/02 the Applicant found the page and line reference of paragraph 6 in Office Action, Paper No. 14 to be unclear. The page and line reference in question relates to the English translation of European patent application No 0 601 328 A1 that was submitted by the Applicant in Information Disclosure Statement No. 4. The reference of Paper No. 14, paragraph 6 is the same reference that the Applicant attached to the Amendment After Final Rejection submitted 8/12/02.

The Applicant states that Mc Gee et al. are "silent as to how the electrodes relate to each other. No where does Mc Gee disclose, teach or even suggest that an electrode can be associated with another electrode to define a layer in the atrium as claimed and described by the Applicant." The portion of claim 20 relating to this layering of the atrium follows: "wherein the at least two branches include a septal branch and a lateral branch and the septal and lateral branch each have an equal number of electrically conductive surface portions disposed thereon, and each electrically conductive surface portion of the septal branch is unambiguously associated with an electrically conductive surface portion of the lateral branch".

Mc Gee et al. teach the number of splines and electrodes can vary depending on the application (c 6, ll 32-36). Ljungstrom teaches in figure 4 the use of two branches to provide stimulation therapy. Since Mc Gee et al. focuses the stumulation therapy about the interatrial septum (c 3, ll 9-12), the two branches are read as the septal branch and the lateral branch.

The Examiner finds that Mc Gee et al. provide a system and method for assessing organization of the heart rhythm in the heart tissue and provides organization-indicating output which is characterized by a geometric form (c 2, ll 51-64). Pacing pulses with selected pulse characteristics are delivered through an array of electrodes to entrain regions of the heart (c 3, ll 3-20). The pacing is varied as need to address the cardiac condition, the physiological constraints and the spacing between electrodes (c 4, ll 13-21; c 8, ll 15-28; c 9, ll 38-55). The entrainment of the heart can occur in stages such that local regions are entrained by a focused number of electrodes in each region and the regions are merged to produce a successively larger area about the localized area (c 3, ll 34-42). Preferably pacing signals are applied in a purposeful, iterative pattern from different electrodes in different locations at different times such that the pacing control algorithm spatially organizes the atria by first selecting pacing charactericstics that capture a localized atrial region. Once the localized atrial region is entrained, the pacing control algorithm expands the targeted atrial region beyond the local region and iteratively changes the pacing characteristics to organize the larger atrial region. The pacing control algorithm proceeds on this iterative basis, entraining a successively larger atrial region, until the desired entire atrial region is entrained (c 7, l 64 - c 8, l 9). In one embodiment the algorithm delivers the first set of pacing pulse to the band of most distal electrodes on each spline element, then proceeds in sequence to adjacent bands of electrodes in succession toward the most proximal band of electrodes on each spline element (c 9, l 60 - c 10, l 6); this is read as "each electrically conductive surface portion (the electrode) of the septal branch is unambiguously associated with an electrically conductive surface portion (the electrode) of the lateral branch".

The Ljungstrom reference teaches the use of two branches and by the simple nature of the design of the Mc Gee et al. device, the conductive surfaces or electrodes on each of the splines of the lateral and septal branches are unambiguously associated to enable sequential stimulation of adjacent bands of the atrial tissue using distal to proximal stimulation.

FACSIMILE COVER SHEET

Our Reference: 09/586,942
Your Reference: 39558/DBP/E43

Date: 8/27/02
To: Catherine Voorhees (202) 962-4043
Firm: Venable
Telephone Facsimile Number (202) 962-8300

Total pages including cover : 2

From: Frances P. Oropeza
U.S. Patent and Trademark Office
Telephone: 703-605-4355
Facsimile: 703-306-4520

Message:

Dear Ms.Voorhees,

Per our telephone communication please find attached the corrected Advisory Action cover sheet.

Sincerely, Fran